

1 Honorable Robert J. Bryan
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7 **IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

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9 Charity Kerstetter)
10 15 Mattie St.) No. 3:09-cv-05564-RJB
11 Cathlamet, WA 98612)
12 Plaintiff,) ANSWER AND AFFIRMATIVE
13) DEFENSES
14 v.)
15 Evergreen Professional Recoveries, Inc.)
16 12100 NE 195th St. #325)
Bothell, WA 98011)
17 Defendant.)
18 _____)

19 In response to the Complaint filed herein, the Defendant, **EVERGREEN PROFESSIONAL**
20 **RECOVERIES, INC.**, answers as follows:

21 **I.**

22 Answering Paragraph 1, the Defendant admits.

23 Answering Paragraph 2, the Defendant admits.

24 Answering Paragraph 3, the Defendant admits.

25 Answering Paragraph 4, the Defendant admits.

26 Answering Paragraph 5, the Defendant admits.

27 Answering Paragraph 6, the Defendant admits only that Plaintiff filed within 12
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1 months of the alleged violation on 9/29/08.

2 Answering Paragraph 7, the Defendant admits that Plaintiff telephoned Defendant in
3 response to a settlement offer.

4 Answering Paragraph 8, the Defendant denies.

5 Answering Paragraph 9, the Defendant denies.

6 Answering Paragraph 10, the Defendant denies.

7 Answering Paragraph 11, the Defendant denies.

8 Answering Paragraph 12, the Defendant denies.

9 Answering Paragraph 13, the Defendant admits payment, denies balance.

10 Answering Paragraph 14, the Defendant admits. By way of further answer, Defendant
11 never threatened to seize Plaintiff's home.

12 Answering Paragraph 15, the Defendant admits. By way of further answer, Defendant
13 never threatened to seize Plaintiff's wages.

14 Answering Paragraph 16, the Defendant denies.

15 Answering Paragraph 17, the Defendant denies.

17 **Count One**

18 Answering Paragraph 18, the Defendant admits and denies as previously set forth.

19 Answering Paragraph 19, the Defendant denies.

21 **Count Two**

22 Answering Paragraph 20, the Defendant admits and denies as previously set forth.

23 Answering Paragraph 21, the Defendant denies.

25 **Count Three**

26 Answering Paragraph 22, the Defendant admits and denies as previously set forth.

27 Answering Paragraph 23, the Defendant denies.

1 **Count Four**

2 Answering Paragraph 24, the Defendant admits and denies as previously set forth.

3 Answering Paragraph 25, the Defendant denies.

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5 **Count Five**

6 Answering Paragraph 26, the Defendant admits and denies as previously set forth.

7 Answering Paragraph 27, the Defendant denies.

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9 **Jury Demand**

10 Answering Paragraph 28, Does not require admission or denial.

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12 **Prayer for Relief**

13 Answering Paragraph 29, the Defendant denies all requests for relief.

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16 **II.**

17 All other material allegations contained in the Complaint are hereby denied, together
18 with all elements of Plaintiff's request for relief, except as are hereinafter admitted or prayed
19 for by the Defendant.

20 **FURTHER ANSWERING AND BY WAY OF AFFIRMATIVE DEFENSE**, the
21 Defendant alleges as follows:

22 1. Any award should be set off against the amount owed by Plaintiff to
23 Defendant.

24 **WHEREFORE**, having answered Plaintiff's Complaint, the Defendant prays for the
25 following relief:

26 2. The Complaint of the Plaintiff be dismissed with prejudice;
27 3. Reasonable costs and attorneys' fees incurred in the defense of this suit

1 be reimbursed; and

2 4. For such other and further relief as the Court may deem just.

3 DATED this 18th day of November, 2009.

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5 LUKE, CASTEEL & OLSEN, PSC
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7 /s/ Kimberlee Walker Olsen
8 Kimberlee Walker Olsen, WSBA #28773
9 Attorney for Defendant
kolsen@lukecasteel.com

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15 **CERTIFICATE OF SERVICE**
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17 I hereby certify that on November 18, 2009, I electronically filed the foregoing with
18 the Clerk of the Court using the CM/ECF System which will send notification of such filing
19 to the following: Lawrence Lofgren, attorney for Plaintiff, email llo@legalhelpers.com.
20

21 /s/ Kimberlee Walker Olsen
22 Kimberlee Walker Olsen, WSBA #28773
23 Attorney for Defendant
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